

STAND. COM. REP. NO. 3349

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 1777
H.D. 2
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 1777, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to protect the health and safety of public school students and others suffering from anaphylaxis, a life-threatening allergic reaction to certain allergens.

Specifically, the measure:

- (1) Authorizes Department of Education employees and agents with specified training to volunteer to administer auto-injectable epinephrine to a student with anaphylaxis with prior written authorization from the student's parent or guardian;
- (2) Authorizes the Department of Education to make arrangements to receive injectable epinephrine supplies from manufacturers or suppliers;
- (3) Establishes a five-year auto-injectable epinephrine pilot program within the Department of Education, in collaboration with the Department of Health, to provide auto-injectable epinephrine to any student or other individual on school premises, at school-sponsored



events, or at any other time the student or individual is subject to the school's jurisdiction or supervision, when the designated school personnel believe in good faith that the student or individual is experiencing anaphylaxis;

- (4) Authorizes the Department of Education to maintain a stock of auto-injectable epinephrine supplies as part of the pilot program;
- (5) Provides that an authorized health care provider may prescribe auto-injectable epinephrine to a school participating in the pilot program;
- (6) Requires training for any Department of Education employee or agent who volunteers to administer auto-injectable epinephrine under the pilot program;
- (7) Provides immunity from civil or criminal liability to any person acting in accordance with the requirements of the pilot program, with certain exceptions for gross negligence, wilful and wanton misconduct, and intentional misconduct;
- (8) Requires the Department of Education, in collaboration with the Department of Health, to submit an annual report to the Legislature for the duration of the pilot program; and
- (9) Appropriates an unspecified amount for the Department of Education to contract for instruction, training, and related expenses required for compliance with the measure.

Your Committee received written comments in support of this measure from Mylan Inc. and Walgreens Co. The Department of Education and the Department of Health submitted written comments on the measure.

Your Committee finds that protecting the health and safety of students and others on school premises or under school jurisdiction is vital and that anaphylaxis is a serious health concern. Your Committee believes that authorizing Department of Education employees and agents, upon written authorization from a



student's parent and certification from a medical professional, to administer auto-injectable epinephrine may potentially save lives.

Your Committee has amended this measure by:

- (1) Deleting section 2, establishing the five-year auto-injectable epinephrine pilot program; and
- (2) Deleting section 3, requiring annual reports to the Legislature regarding the pilot program.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1777, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1777, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 1777 HD2, SD1	Committee Referral: EDU/HTH, WAM	Date: 3-31-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.				✓
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
	11	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes